

SUPPORTING STATEMENT FOR AN INFORMATION COLLECTION REQUEST (ICR)

1. IDENTIFICATION OF THE INFORMATION COLLECTION

1(a) Title: Pre-Renovation Information Dissemination - TSCA Sec. 406(b)

EPA ICR No.: 1669.03; OMB No.: 2070-0158

1(b) Abstract

Section 406(b) of Title IV of the Toxic Substances Control Act (TSCA)(15 U.S.C. 2686, see Appendix 1) requires the U.S. Environmental Protection Agency (EPA) to promulgate regulations requiring certain persons who perform renovations of target housing for compensation to provide a lead hazard information pamphlet (developed under section 406(a) of TSCA) to the owner and occupant of such housing prior to commencing the renovation. Target housing is defined as any housing constructed prior to 1978, except housing for the elderly or persons with disabilities (unless any child who is less than six years of age resides or is expected to reside in such housing for the elderly or persons with disabilities) or any zero-bedroom dwelling (section 401(17) of TSCA, 15 U.S.C. 2681). Those who fail to provide the pamphlet, as required, may be subject to both civil and criminal sanctions under section 16 of TSCA.

Pursuant to Title IV of TSCA, EPA promulgated regulations applicable to all renovations of target housing performed for compensation, except as otherwise specified, at 40 CFR part 745, subpart E (see Attachment 2). Under these regulations, renovators must provide the owner and occupant of any residential dwelling unit or multi-family housing with a lead hazard information pamphlet (see Attachment 3). After providing the pamphlet to the owner and occupant and obtaining written acknowledgment, the renovator must keep acknowledgment records on file for three years after completion of work.

The regulations at 40 CFR part 745, subpart E, apply to any person who performs renovations at target housing for compensation. However, a designated representative (e.g., a landlord, rental property manager) may deliver the pamphlet and obtain the acknowledgment. When using a designated representative, the renovator remains responsible for compliance with the regulations (63 FR 29914; June 1, 1998). For purposes of this ICR, EPA assumes that all activities associated with distribution of the lead hazard information pamphlet are undertaken by renovators.

This ICR examines the respondent paperwork requirements and associated hour and cost burden of the regulations at 40 CFR part 745, subpart E. Sections 1 through 5 of the ICR describe the paperwork requirements associated with the distribution of the lead hazard information pamphlet prior to commencing renovations of target housing for compensation. Section 6 estimates the annual hour and cost burden to respondents in complying with these paperwork requirements.

Note that this ICR *does not* address hour and cost burden to recipients of the lead hazard information pamphlet (i.e., owners and occupants of target housing) because the pamphlet is originally supplied by the Federal government. Under 5 CFR 1320.3(c)(2), “the public disclosure of information originally supplied by the Federal government to the [respondent] for the purpose of disclosure to the public is not included” as a “collection of information.” In addition, because the acknowledgment of receipt obtained by the renovator only involves “that burden necessary to identify the respondent, the date, the respondent's address, and the nature of the instrument,” completion of the acknowledgment form by the owner and occupant of the target housing is not considered to be “information” under 5 CFR 1320.3(h)(1).

The following paragraphs describe the activities that renovators would take under 40 CFR part 745, subpart E.

Exemption from Information Distribution Requirements

Under 40 CFR 745.82(b), renovators performing renovations of target housing for compensation are not subject to the regulations in 40 CFR part 745, subpart E if the renovation activities are limited to: (i) minor repair and maintenance activities (including minor electrical work and plumbing) that disrupt two square feet or less of painted surface per component; (ii) emergency renovation operations; or (iii) renovations in target housing in which a written determination has been made by an inspector (certified pursuant to either Federal regulations at 40 CFR 745.226 or a State or Tribal certification program authorized pursuant to 40 CFR 745.324) that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, where the renovator has obtained a copy of the determination.

Information Distribution Requirements for Renovations in Dwelling Units

Under 40 CFR 745.85(a), no more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, a renovator must provide the owner of the dwelling unit with a lead hazard information pamphlet, and must comply with the procedures specified at section 745.85(a)(1)(i) or (ii). In addition, if the owner does not occupy the dwelling unit, the renovator must provide an adult occupant of the unit with the pamphlet, and comply with the procedures specified at section 745.85(a)(2)(i) or (ii).

Information Distribution Requirements for Renovations in Common Areas

Under 40 CFR 745.85(b), no more than 60 days before beginning renovation activities in common areas of multi-family housing, a renovator must provide the owner of the multi-family housing with a lead hazard information pamphlet, and must comply with the procedures specified at section 745.85(b)(1)(i) or (ii).

In addition, the renovator must notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to start of the renovation. Such notification must be accomplished by distributing written notice to each affected unit. The notice must describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, at no charge, from the renovator (section 745.85(b)(2)).

The renovator also must prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet (section 745.85(b)(3)). If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, the renovator must provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the renovator initiates work beyond that which was described in the original notice (section 745.85(b)(4)).

Recordkeeping Requirements

Under 40 CFR 745.86(a), renovators must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with the requirements of 40 CFR part 745, subpart E, for a period of three years following completion of the renovation activities in target housing.

2. NEED FOR AND USE OF THE COLLECTION

2(a) Need and Authority for the Collection

Section 406(b) of Title IV of TSCA requires EPA to promulgate regulations requiring certain persons who perform renovations of target housing for compensation to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation. Regulations promulgated under the authority of section 406(b) ensure that owners and occupants of target housing are provided information concerning potential hazards of lead-based paint exposure before certain renovations are begun on that housing. The Agency believes that the distribution of the pamphlet will help to reduce the exposures that cause serious lead poisonings, especially in children under age six, who are particularly susceptible to the hazards of lead.

2(b) Practical Utility and Users of the Data

Owners and occupants of target housing must be provided with a lead hazard information pamphlet before any renovation commences. Information contained in the lead hazard information

pamphlet may be used by owners and occupants of target housing to take appropriate precautions to avoid exposure to lead-contaminated dust and lead-based paint debris that are sometimes generated during renovations.

In addition, the recordkeeping requirements under 40 CFR part 745, subpart E enable EPA, State, and local regulators and the courts to determine initial compliance and monitor continued compliance with the provisions of section 406(b) of TSCA. The record of compliance could also serve as a crucial piece of information in civil actions to establish liability.

3. NON-DUPLICATION, CONSULTATIONS, AND OTHER COLLECTION CRITERIA

3(a) Non-Duplication

EPA has determined that no other Federal agency collection satisfies the statutory requirements of section 406(b) of TSCA.

3(b) Public Notice Required Prior to ICR Submission to OMB

In proposing to renew this ICR, EPA provided a 60-day public notice and comment period that ended on March 5, 2001 (66 FR 105, January 2, 2001); see Attachment 5. EPA received no comments during the comment period.

3(c) Consultations

Following the publication of the proposed rule, EPA received thirty comments during the 60-day comment period on the proposed rule. In addition, EPA has met with key constituency groups to discuss the proposal and key areas of concern. These groups include: The Alliance to End Childhood Lead Poisoning, the Institute of Real Estate Management, and the National Multi-Housing Council. EPA has also met with many state and Tribal officials involved in the Forum on State and Tribal Toxics Action (FOSTTA), including officials from California and Massachusetts.

3(d) Effects of Less Frequent Collection

Regulations at 40 CFR part 745, subpart E do not include any reporting requirements, only recordkeeping requirements. Therefore, a collection schedule is not applicable.

3(e) General Guidelines

This collection does not exceed any of the Paperwork Reduction Act guidelines at 5

CFR 1320.5.

3(f) Confidentiality

In general, EPA does not believe that respondents will assert a confidentiality claim for information collected under this ICR. However, to the extent information submitted by respondents is business confidential, procedures are in place to protect the information from improper disclosure.

Under 40 CFR 745.84, EPA has established procedures for dealing with confidential business information. Section 745.84(a) provides that those who assert a confidentiality claim for submitted information must provide EPA with two copies of their submission. The first copy must be complete and contain all information being claimed as confidential. The second copy must contain only information not claimed as confidential. EPA will place the second copy of the submission in the public file.

In addition, section 745.84(b) establishes that EPA will disclose information subject to a claim of confidentiality only to the extent permitted by section 14 of TSCA and 40 CFR part 2, subpart B. If a person does not assert a claim of confidentiality for information at the time it is submitted to EPA, EPA may make the information public without further notice to that person.

3(g) Sensitive Questions

No questions of a sensitive nature are included in the information collection requirements associated with the distribution of the lead hazard information pamphlet.

4. THE RESPONDENTS AND THE INFORMATION REQUESTED

4(a) Respondents and NAICS Codes

The North American Industrial Classification System (NAICS) codes associated with industries most likely affected by the paperwork requirements covered in this ICR are described below:

NAICS Code	Industrial Sector
23321	Single Family Housing Construction
23322	Multifamily Housing Construction
23511	Plumbing, Heating, and Air-Conditioning Contractors
23521	Painting and Wall Covering Contractors
23531	Electrical Contractors
23541	Masonry and Stone Contractors

NAICS Code	Industrial Sector
23542	Drywall, Plastering, Acoustical, and Insulation Contractors
23543	Tile, Marble, Terrazzo, and Mosaic Contractors
23551	Carpentry Contractors
23552	Floor Laying and Other Floor Contractors
23561	Roofing, Siding, and Sheet Metal Contractors
23571	Concrete Contractors
23581	Water Well Drilling Contractors
23591	Structural Steel Erection Contractors
23592	Glass and Glazing Contractors
23593	Excavation Contractors
23594	Wrecking and Demolition Contractors
23595	Building Equipment and Other Machinery Installation Contractors
23599	All Other Special Trade Contractors
53111	Lessors of Residential Buildings and Dwellings
53119	Lessors of Other Real Estate Property
53121	Offices of Real Estate Agents and Brokers
531311	Residential Property Managers
53132	Offices of Real Estate Appraisers
53139	Other Activities Related to Real Estate

4(b) Information Requested

In the following paragraphs, EPA describes the paperwork requirements associated with the distribution of the lead hazard information pamphlet.

Exemption from Information Distribution Requirements

Under 40 CFR 745.82(b), renovators performing renovations of target housing for compensation are not subject to the regulations in 40 CFR part 745, subpart E if the renovation activities are limited to: (i) minor repair and maintenance activities (including minor electrical work and plumbing) that disrupt two square feet or less of painted surface per component; (ii) emergency renovation operations; or (iii) renovations in target housing in which a written determination has been

made by an inspector (certified pursuant to either Federal regulations at 40 CFR 745.226 or a State or Tribal certification program authorized pursuant to 40 CFR 745.324) that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, where the renovator has obtained a copy of the determination.

(i) Data Item:

Written determination by an inspector (certified pursuant to either Federal regulations at 40 CFR 745.226 or a State or Tribal certification program authorized pursuant to 40 CFR 745.324) that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

(ii) Respondent Activity:

A renovator performing renovations of target housing for compensation may be exempt from the regulations in 40 CFR part 745, subpart E by obtaining copy of a determination made by a certified inspector that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight.

Information Distribution Requirements for Renovation in Dwelling Units

Under 40 CFR 745.85(a), no more than 60 days before beginning renovations activities in any residential dwelling unit of target housing, a renovator must provide the owner of dwelling unit with a lead hazard information pamphlet, and must comply with the procedures specified at section 745.85(a)(1)(i) or (ii). In addition, if the owner does not occupy the dwelling unit, the renovator must provide an adult occupant of the unit with the pamphlet, and comply with the procedures specified at section 745.85(a)(2)(i) or (ii).

(i) Data Items:

- Lead hazard information pamphlet; and
- Documentation providing proof that the pamphlet was provided to the owner and occupant of the target housing or that an attempt was made to provide the pamphlet to the owner and occupant of the target housing (e.g., collect signed acknowledgment form, provide self-certification for failed deliveries, document mailing the information).

(ii) Respondent Activities:

A renovator planning to conduct renovations in any residential dwelling unit must:

- Prepare acknowledgment and certification forms;
- Provide the owner of dwelling unit with a lead hazard information pamphlet and obtain proof that the pamphlet was provided to the owner of the target housing by:
 - Obtaining, from the owner, a written acknowledgment that the owner has received the pamphlet (section 745.85(a)(1)(i)); or
 - Obtaining a certificate of mailing at least seven days prior to the renovation (section 745.85(a)(1)(ii)).

In addition, if the owner does not occupy the dwelling unit, the renovator also must:

- Provide an adult occupant of the unit with the pamphlet and obtain proof that the pamphlet was provided to the occupant of the target housing by:
 - Obtaining, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet (section 745.85(a)(2)(i)); or
 - Certifying in writing that a pamphlet has been delivered to the dwelling and that the renovator has been unsuccessful in obtaining a written acknowledgment form from an adult occupant (section 745.85(a)(2)(i)); or
 - Obtaining a certificate of mailing at least seven days prior to the renovation (section 745.85(a)(2)(ii)).

Information Distribution Requirements for Renovations in Common Areas

Under 40 CFR 745.85(b), no more than 60 days before beginning renovation activities in common areas of multi-family housing, a renovator must provide the owner of the multi-family housing with a lead hazard information pamphlet, and must comply with the procedures specified at section 745.85(b)(1)(i) or (ii). In addition, the renovator must notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to start of the renovation. Such notification must be accomplished by distributing written notice to each affected unit (section 745.85(b)(2)). Finally, renovators must prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet (section 745.85(b)(3)).

(i) Data Items:

- Lead hazard information pamphlet;
- Notice describing the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, at no charge, from the renovator; and
- Statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

(ii) Respondent Activities:

A renovator planning to conduct renovations in common areas of multi-family housing must:

- Prepare acknowledgment and certification forms;
- Provide the owner of multi-family housing unit with a lead hazard information pamphlet and obtain proof that the pamphlet was provided to the owner of the target housing by:
 - Obtaining, from the owner, a written acknowledgment that the owner has received the pamphlet (section 745.85(b)(1)(i)); or
 - Obtaining a certificate of mailing at least seven days prior to the renovation (section 745.85(b)(1)(ii));
- Notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to start of the renovation;
- Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet (section 745.85(b)(3)); and
- If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities (section 745.85(b)(4)).

Recordkeeping Requirements

Under 40 CFR 745.86(a), renovators must retain and, if requested, make available to EPA all records necessary to demonstrate compliance with the requirements of 40 CFR part 745, subpart E for a period of three years following completion of the renovation activities in target housing.

(i) Data Items:

Records that must be retained pursuant to section 745.86 include, where applicable:

- Reports certifying that a determination has been made by an inspector that lead-based paint is not present in the area affected by the renovation, as described in section 745.82(b)(3) [section 745.86(b)(1)];
- Signed and dated acknowledgments of receipt as described in sections 745.85(a)(1)(i), (a)(2)(i), and (b)(1)(i) [section 745.86(b)(2)];
- Certifications of attempted delivery as described in section 745.85(a)(1)(i) [section 745.86(b)(3)];
- Certificates of mailing as described in sections 745.85(a)(1)(ii), (a)(2)(ii), and (b)(1)(ii) [section 745.86(b)(4)]; and
- Records of notification activities performed regarding common area renovations, as described in sections 745.85(b)(3) and (4) [section 745.86(b)(5)].

(ii) Respondent Activities:

Renovators must maintain records to demonstrate compliance with the requirements of 40 CFR part 745, subpart E for a period of three years following completion of the renovation activities in target housing.

5. THE INFORMATION COLLECTED -- AGENCY ACTIVITIES, COLLECTION METHODOLOGY, AND INFORMATION MANAGEMENT

5(a) Agency Activities

There are no Agency activities associated with the distribution of lead hazard information pamphlets to owners and occupants of target housing prior to commencing renovations for compensation.

5(b) Collection Methodology and Management

There are no Agency activities associated with the distribution of the lead hazard information pamphlet to owners and occupants of target housing prior to commencing renovations for compensation. However, under the provisions of 40 CFR 745.87, EPA may conduct inspections and issue subpoenas pursuant to the provisions of TSCA section 11 (15 U.S.C. 2610) to ensure compliance with 40 CFR part 745, subpart E.

5(c) Small Entity Flexibility

In promulgating the regulations at 40 CFR part 745, subpart E, EPA attempted to minimize the reporting and recordkeeping burden for both large and small regulated entities. While small business constitute the majority of affected entities, hour and cost burden imposed by the regulations is not considered to be of sufficient magnitude to have significant economic impacts on such establishments.

5(d) Collection Schedule

Regulations at 40 CFR part 745, subpart E, do not include any reporting requirements, only recordkeeping requirements. Therefore, a collection schedule is not applicable.

6. ESTIMATING BURDEN AND COST OF THE COLLECTION

6(a) Estimating Respondent Burden and Costs

The overall cost analysis for this rule was presented in a Regulatory Impact Analysis (RIA), which is available in the docket for the final rule. The current burden and costs estimates related to the information collection components of the final rule are based on the estimates presented in the RIA and updated using the most recent data available. For the ICR burden analysis, individual respondent times (burden hours) for a given activity were estimated from the total number of annual burden hours in that activity (based on total events or total persons affected as reported in the regulatory analysis) divided by the estimated total number of respondents that would potentially be affected by the final rule.

It is perhaps important to point out that the recipients of the pamphlet/notification, i.e., the owners/occupants, are not required to do anything under this final rule. As specified by the OMB's regulations implementing the Paperwork Reduction Act, the Agency is not required to include the burdens associated with the Renovator's provision of the pamphlet to the owner/occupant, or the owner/occupant's completion of the receipt/acknowledgment. Since the pamphlet that the Renovator must provide to the owner/occupant under TSCA section 406(b) is originally supplied by the Federal government, this activity is not considered to be a "collection of information" under 5 CFR 1320.3(c)(2), which states that "the public disclosure of information originally supplied by the Federal

government to the [Respondent] for the purpose of disclosure to the public is not included” as a “collection of information.”

In addition, since the receipt/acknowledgment obtained by the Renovator/Manager only involves “that burden necessary to identify the respondent, the date, the respondent’s address, and the nature of the instrument,” the Agency is not required to include the burden associated with the owner/occupant’s completion of the receipt/acknowledgment. The receipt is not considered to be “information” under 5 CFR 1320.3(h)(1).

This ICR, therefore, presents the estimated annual burden and associated annual costs for the following information collection components of the final rule:

- ✓ Start-up - Renovator and Owner/Managers of Rental Housing doing their own renovation, must read and learn the new requirements. However, since renovators and rental property have already encountered this burden, start-up costs in this ICR are only calculated for new entrants to the market to read and learn the requirements.
- ✓ Prepare Information - Renovators and Owner/Managers of Rental Housing doing their own renovation, must obtain the required pamphlet, prepare the required certification form, and prepare the required notification to tenants of renovation activities in the common areas of multi-unit target housing. Renovators and Owners/Managers are also required to prepare, sign, and date a statement describing the steps performed to notify occupants of the intended common area renovation activities.
- ✓ Provide Information - Renovators and Owner/Managers of Rental Housing doing their own renovation, must provide the owner/occupant with a copy of the pamphlet, and document receipt by having the owner/occupant sign the receipt/acknowledgment. In the case of the notification, Renovators and Owner/Managers of Rental Housing doing their own renovation, must provide notification to tenants of renovation activities in common areas of multi-unit target housing.
- ✓ Maintain Records - Renovators and Owner/Managers of Rental Housings doing their own renovation, must retain the documentation of distribution, e.g., certification by owner/occupant.

Under the final rule, Renovators and Owners/Rental Property Managers (when performing renovation work) are required to fulfill various responsibilities relating to the disclosure of the possible presence of lead-based paint and associated hazards in properties on which renovation work is to be performed. The estimated number of respondents affected annually is based on the total number of establishments identified as renovation contractors and rental property management firms in Census Bureau data for 1997 (County Business Patterns, 1999). The estimated number of renovators, as well as the number of new entrants to the occupation in future years, is based on the number of Construction Contractors and Managers listed in Bureau of Labor Statistics data for the year 1998 (Occupational Employment, Training, and Earnings Data, 1998). The number of rental property managers and, as well, the annual number of new entrants are also taken from Department of Labor data for the

occupational category, Property and Real Estate Managers (Occupational Employment, Training, and Earnings Data, 1998). The total number of respondents, i.e. renovators and rental property managers, including new entrants, estimated for this ICR is 3,046,000.

The annual number of renovation events in owner-occupied target housing is estimated to be 10,678,100 units. This number is estimated from the pre-1979 owner-occupied units less the zero bedroom units not subject to the rule (American Housing Survey data, HUD, 1997), and the estimated annual number of paid renovation events per year per unit of housing (estimated by dividing total dollar outlays for renovation events subject to regulation [obtained from the supplement to the Census publication Expenditures for Residential Improvements and Repairs, 1999] by unit costs for renovation activities [obtained from the National Association of Home Builders publication Profile of the Remodeler 1992 and inflated to 1999 dollar values]). The annual number of renovation events in rental target housing, which is estimated to be 4,470,723 units, is based on the total pre-1979 rental units less zero-bedroom units not subject to the rule (American Housing Survey data, HUD, 1997), and the estimated annual number of paid renovation events per year per unit of housing (estimated using same sources cited above for owner-occupied housing).

Obviously, not all renovation contractors or owner/managers of rental housing will be initiating a renovation activity that is covered by this rule each year, nor will all of the target housing or rental properties that are subject to the rule have renovation activities initiated each year. At this time, however, it is not possible to determine how many renovation activities will occur each year, or how many of those will be subject to this rule. EPA believes that it is reasonable to assume that 100% of the units involved in renovation activities in target housing will be required to take an action in accordance with the final rule, and that the action taken for each event involves the personal delivery by renovators and owners/managers of a notification or pamphlet directly to the tenant/occupant, the obtaining of a certification/receipt, and recordkeeping. As such, it is not necessary to include separate burden or cost estimates for the alternate delivery methods, which are already captured by the burden estimate provided by the assumed 100% compliance with personal delivery.

The required activity differs for renovation activities in rental housing between activities involving the individual unit and activities involving the common areas. Renovation events occurring in individual rental units require renovators to prepare certification forms for, distribute pamphlets to, and obtain acknowledgments from, both the owner and the tenant of the unit. On the other hand, when renovation events take place in common areas these activities (prepare certification form, distribute pamphlet, obtain acknowledgment) apply only to owners of the unit. For occupants affected by common area renovations, renovators are required to ensure written notification of the intended renovation activity and, if requested, make the pamphlet available to any tenants making such a request. The renovator must also document this disclosure activity by preparing a written statement describing the steps performed to notify all occupants of the intended renovation activities. In this ICR costs for providing pamphlets to tenants affected by common area renovations are not included because property owners will likely post copies of the pamphlet in common areas, thereby making them available to any

interested tenants. For individual units, the RIA indicates that the majority of renovation activities involving the individual unit actually occur between tenants and while the unit is vacant. As such, EPA estimates that only approximately one fourth of the rental property renovations will occur in the individual unit (1,117,681 units).

Estimates for time requirements incurred by respondents in complying with the various activities are based on conversations with renovation contractors, building trades groups, and rental property owners and managers. The costs of time for renovation contractors (which is \$29.36/hour) and rental property managers (which is \$24.65/hour) are based on the average hourly earnings for July, 2000, for the Construction category and the Finance, Insurance and Real Estate category, respectively (data extracted from the National Employment, Hours, and Earnings series, Bureau of Labor Statistics website, September, 2000).

The Agency's estimated burden hours and costs for the information collection activities contained in this rule are summarized below and presented in the attached tables.

Start-Up Burden - The start-up or first year burden involves the time and cost required to read and learn the disclosure rule's requirements and set up procedures for meeting those requirements. Since start-up costs are greatest in the first year following promulgation, the individual start-up burden was estimated for renovators and rental property managers performing renovation activities in the 1998 ICR. In the 1998 ICR, EPA had taken the total burden associated with the first year of implementing this final rule and annualized it over the next three years. These burdens and costs have been removed from the current ICR. EPA believes this revised ICR need not include start-up costs since they have already been encountered by renovators and rental property managers. The only start-up costs considered are those for new entrants to these occupations. (See Table 1).

Preparation and the Provision of the Information - The burden under this activity section involves the time and cost for preparing and providing the information needed to perform the disclosure activities in conjunction with the renovation of target housing as specified by the rule. In essence, this includes the following activities:

- Preparing certification Form for all Owner/Occupants
- Preparing certification Form for all Owners of rental units (1-unit and common area)
- Preparing certification Form for 1-unit occupant
- Preparing and delivering the pamphlet to individual Owner/Occupants, owners of all rental units, and 1-unit rental occupants
- Obtaining acknowledgment of the delivered pamphlet from all Owner/Occupants, owners of all rental units, and 1-unit rental occupants
- Preparing and posting the Notification for common area activities
- Preparing a statement describing the steps performed to notify all occupants of common areas of the intended renovation

Since the owner/occupant activities, i.e., receiving the pamphlet and signing the certification/acknowledgment of receipt, do not need to be included in the estimate (see earlier discussion), EPA has only estimated the burden for those activities of the renovator/manager in this transaction. Specifically, the renovator/manager must prepare the appropriate document, make sufficient copies, distribute the information, and obtain the acknowledgments. Since per event burden is likely to vary greatly, dependent upon such highly variable factors as the method of delivery chosen, the frequency of this activity for the individual manager/renovator, the number of events, experience and individual efficiencies, EPA has attempted to simplify the estimate by making some general assumptions. These assumptions are likely to result in an overall overestimate, which the Agency believes will help ensure that all the variations in these activities are covered.

For the purposes of calculating the burden and costs, EPA has assumed 100% of the renovation activities in owner occupied housing (10,678,100), and 25% of rental property renovation activities (1,117,681 - assumed earlier as the estimated number of renovation events taking place in the individual unit) will involve the preparation of a certification form. In addition, certification forms will also be prepared for 100% of owners of rental units (4,470,723). EPA has also assumed that 100% of the renovation activities in rental housing will involve the notification. In addition, EPA has provided average burden estimates, i.e., since the burden calculations for the certificate and notification are estimated to be about 2 minutes to prepare the document for the first event, and less than 1 minute to copy that document for subsequent distribution, EPA has used the estimated 2 minutes per event.

The renovator/manager is also required to distribute the pamphlet and obtain acknowledgments from all owner occupants (10,678,100), all owners of rental units (4,470,723), and individual unit rental occupants (1,117,681). As explained in the final rule preamble, EPA has provided ample flexibility to the renovator/manager for their distribution of the pamphlet or notification. Since the renovator/manager will already visit the site on more than one occasion to complete the contract transaction, evaluate the site for estimate purposes, deliver material and the like, EPA believes that personal delivery, i.e., distribution of the pamphlet or notification, is likely to be combined with one of these other activities. Since the manager/renovator must obtain the acknowledgment from the recipient when the information is provided, this activity will also occur at this time. EPA estimates that this transaction may take less than 1 minute, and no more than 4 minutes. For the ICR, EPA has used an average estimate of 2 minutes per event for these calculations. By assuming that all recipients will provide the acknowledgment, and given the overestimate in the number of events, EPA believes that this estimate also covers those situations in which the manager/renovator may need to provide a self-certification for failed deliveries. Furthermore, EPA did not take any credits or reductions to reflect the potential exemptions.

As noted above, renovation activities taking place in the common area also require the preparation of a statement describing the steps performed to notify each occupant of the intended renovation. For this requirement, EPA is assuming a time estimate of 5 minutes per event. (See Table 1.)

The time estimates are based on conversations with renovation contractors, building trades groups, and rental property owners and managers. In determining the corresponding annual cost, EPA used the hourly rate for a renovation contractor (\$29.36/hr). (See Table 1.)

Table 1 - Total Annual Burden Hours and Cost Estimates for Renovation Contractors & Owners/Rental Property Managers					
Activity	Total # People/ Events	Per Event Average		Total Average	
		Hours ²	Cost	Hours ³	Cost ⁴
Start-up for Annual New Entrant - Renovator	80,000	1.00	\$29.36	80,000	\$2,348,800
Start-up for Annual New Entrant - Rental Manager	9,000	1.00	\$24.65	9,000	\$221,850
Preparing certification Form for Owner/ Occupants	10,678,100	0.033	\$0.97	352,377	\$10,345,798
Preparing certification Form for 1-unit rental occupant	1,117,681	0.033	\$0.97	36,883	\$1,082,899
Preparing certification Form for all Owners of rental units	4,470,723	0.033	\$0.97	147,534	\$4,331,594
Distribution of pamphlet and obtaining acknowledgment from Owner/Occupants	10,678,100	0.033	\$0.97	352,377	\$10,345,798
Distribution of pamphlet and obtaining acknowledgment from 1-unit rental occupants	1,117,681	0.033	\$0.97	36,883	\$1,082,899
Distribution of pamphlet and obtaining acknowledgment from all Owners of rental units	4,470,723	0.033	\$0.97	147,534	\$4,331,594
Notification for common area activities	4,470,723	0.033	\$0.97	147,534	\$4,331,594
Preparing, signing, and dating a statement describing the steps performed to notify all common area occupants of the intended renovation	4,470,723	0.083	\$2.44	371,070	\$10,894,616
Filing and retaining certifications	15,148,823	0.083	\$2.44	1,257,352	\$36,915,864
Totals				2,938,546	\$86,233,306

Recordkeeping Burden - The Recordkeeping Burden involves the time and cost for meeting the

² These numbers have been rounded.

³ Total average burdens were estimated by multiplying total people/events by per event average burden.

⁴ Total costs were estimated by multiplying per event average costs by pre-rounded total average burden.

disclosure rule's recordkeeping requirements. The individual recordkeeping burden for renovation contractors and property managers performing renovation work is based on the estimated total annual number of renovations performed 15,148,823 (10,678,100 + 4,470,723), and the total amount of time spent in the recordkeeping activity (approximately 5 minutes per event). In determining the corresponding annual cost, EPA used the hourly rate for a renovation contractor (\$29.36/hr). (See Table 1.)

Costs for Materials - The costs associated with the pamphlet, the certification forms, and the notification, are all considered to be capital costs and these costs are not included in the estimated burden and corresponding cost estimate. The “materials” costs consist of the cost for purchasing or duplicating the Lead Hazard Pamphlets, and the materials associated with the preparation of the certification form and notifications. The Lead Hazard Pamphlets are 16 pages, printed front and back, folded sheet format (i.e., 4 sheets of standard sized paper per document). EPA believes that most renovators will purchase the pamphlet in bulk, although some may choose to save money by making their own duplicates of the pamphlet. As a conservative estimate, EPA is assuming copying costs of \$0.34 for 100% of renovators and rental managers. EPA assumes that all owner-occupied renovation events and rental renovation events taking place in the individual unit will require a copy of the pamphlet. As a result, the total cost of pamphlets incurred by renovators and property managers is \$5,530,611, which was calculated using the copying cost per pamphlet, and the total number of pamphlets required (16,266,504).

It is assumed that for every renovation event there is one copy of the Lead Warning Statement and signed acknowledgment of disclosure. Renovators are assumed to generate two document sets (one for the renovator and one for the owner), for a total of two copies, at approximately \$0.10 each page. EPA therefore estimates that the total cost for the certifications form is \$3,253,301, based on the cost per page and the total annual number of certifications required ($2 \times \$0.10 \times 16,266,504$). The additional cost for the notification is estimated to be \$447,072, based on the cost per page and the total annual number of renovations in the common areas of target multi-unit housing ($\$0.10 \times 4,470,723$). The total capital costs attributed to the information collection activity contained in this final rule is estimated to be \$9,230,985 ($\$5,530,611 + \$3,253,301 + \$447,072$).

6(b) Estimating Agency Burden and Cost

Not applicable. This is a third party notification rule.

6(c) Bottom Line Burden Hours and Costs/Master Table

The total annual burden for this ICR is therefore 2,938,546 hours. The total annual cost is estimated to be \$95,464,291 including \$86,233,985 for implementation activities and \$9,230,985 for estimated capital expenditures. See Table 2.

Table 2 - Total Estimated Burden Hours and Costs		
	Burden Hrs.	Cost
Total Implementation Activities	2,938,546	\$86,233,306
Material Costs	-0-	\$9,230,985
TOTAL	2,938,546	\$95,464,291

6(d) Reasons for Changes in Burden

The last ICR (1998) included an estimated annual burden of 2,331,597 hours compared to 2,938,546 annual burden hours for this ICR. This results in an increase of 606,949 hours between this ICR and the 1998 ICR. The costs have also increased from \$59,603,279 annually in the 1998 to \$95,464,291 annually in this ICR, an annual increase of \$35,861,012. There are several reasons for the increase in costs and burdens. First, based on comments by the public, five burden and cost activities were either modified to include additional parties or were newly added in Table 1. These are: Preparing certification Form for all Owners of rental units, Distribution of pamphlet and obtaining acknowledgment from Owner/Occupants, Distribution of pamphlet and obtaining acknowledgment from 1-unit rental occupants, Distribution of pamphlet and obtaining acknowledgment from all Owners of rental units, and Preparing, signing, and dating a statement describing the steps performed to notify all common area occupants of the intended renovation. Second, costs have increased due to inflated wage data.

Offsetting some of these cost and burden increases is the decrease in the number of renovation events used in this ICR's burden analysis compared to the 1998 ICR. The number of renovation events taking place in owner occupied housing decreased by 1,539,000 and events in rental housing decreased by 1,862,000. This decrease resulted in a reduction in the costs and burdens in this analysis. This decrease is due to the changes in the categories of renovation activities and expenditures between 1992 and 1999. The data for renovation expenditures were taken from the supplement to the Census Bureau publication *Expenditures for Residential Improvements and Repairs*. This source explains that data for specific job types within categories of improvements and repairs are not comparable to years prior to 1993. The changes resulted in a reduction of the number of events and individuals subject to the rule, thereby reducing the costs and burdens of this ICR.

The total capital costs attributed to the information collection activity is estimated to be \$9,230,985 which is a net increase of \$5,608,892 from the last ICR (1998). The net increase in capital costs are the result of the changes noted above. The impact of these changes resulted in an increase in number of pamphlets that renovators and managers distribute annually by 33% or 4,049,504 (16,266,504 -12,217,000) in this analysis. In addition, the unit cost to make copies of the pamphlet and certifications also increased significantly. The unit cost to copy the pamphlet increased from \$0.24 to \$0.34 and the unit costs to copy certifications increased from \$0.05 to \$0.10 each in this

analysis.

6(e) Burden Statement

The annual public burden for this collection of information is approved under OMB Control No. 2070-0158; ICR # 1669.03. The estimated total burden for this information collection activity is 2.9 million hours, with an estimated total cost of \$95.5 million. Based on an estimated 3.1 million respondents, the estimated per respondent burden is 0.96 hours, with an estimated per respondent cost of \$313. The total estimate includes material cost of \$0.68 per respondent, for a total material cost of \$9.2 million. According to the Paperwork Reduction Act, “burden” means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For this collection it includes such activities as annual familiarization with requirements for new entrants, the preparation, as appropriate of a certification or notification documents, the provision of the notification document, and record retention of any certifications. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collection appears on the collection instruments or instructions, in the Federal Register notices, and, if the collection is contained in a regulation, in a table of OMB approved numbers in CFR Part 9.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the Director, Collection Strategies Division (Mail Code 2822), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, D.C. 20460. Include the OMB control number in any correspondence, but do not submit the requested information to this address. The requested information should be submitted in accordance with the instructions accompanying the form, or as specified in the corresponding regulation.

EPA ICR No. 1669.03; OMB Control No. 2070-0158

Appendix 1

**Toxic Substances Control Act (TSCA) Section 406
15 USC 2686**

Sec. 2686. Lead hazard information pamphlet

(a) Lead hazard information pamphlet

Not later than 2 years after October 28, 1992, after notice and opportunity for comment, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Housing and Urban Development and with the Secretary of Health and Human Services, shall publish, and from time to time revise, a lead hazard information pamphlet to be used in connection with this subchapter and section 4852d of title 42. The pamphlet shall -

- (1) contain information regarding the health risks associated with exposure to lead;
- (2) provide information on the presence of lead-based paint hazards in federally assisted, federally owned, and target housing;
- (3) describe the risks of lead exposure for children under 6 years of age, pregnant women, women of childbearing age, persons involved in home renovation, and others residing in a dwelling with lead-based paint hazards;
- (4) describe the risks of renovation in a dwelling with lead-based paint hazards;
- (5) provide information on approved methods for evaluating and reducing lead-based paint hazards and their effectiveness in identifying, reducing, eliminating, or preventing exposure to lead-based paint hazards;
- (6) advise persons how to obtain a list of contractors certified pursuant to this subchapter in lead-based paint hazard evaluation and reduction in the area in which the pamphlet is to be used;
- (7) state that a risk assessment or inspection for lead-based paint is recommended prior to the purchase, lease, or renovation of target housing;
- (8) state that certain State and local laws impose additional requirements related to lead-based paint in housing and provide a listing of Federal, State, and local agencies in each State, including address and telephone number, that can provide information about applicable laws and available governmental and private assistance and financing; and
- (9) provide such other information about environmental hazards associated with residential real property as the Administrator deems appropriate.

(b) Renovation of target housing

Within 2 years after October 28, 1992, the Administrator shall promulgate regulations under this subsection to require each person who performs for compensation a renovation of target housing to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

EPA ICR No. 1669.03; OMB Control No. 2070-0158

Attachment 2

40 CFR Part 745, Subpart E

TITLE 40--PROTECTION OF ENVIRONMENT
CHAPTER I--ENVIRONMENTAL PROTECTION AGENCY (CONTINUED)
PART 745--LEAD-BASED PAINT POISONING PREVENTION IN CERTAIN
RESIDENTIAL STRUCTURES--Table of Contents

Subpart E--Residential Property Renovation

Source: 63 FR 29919, June 1, 1998, unless otherwise noted.

Sec. 745.80 Purpose.

This subpart contains regulations developed under Title IV (15 U.S.C. 2681-2692) of the Toxic Substances Control Act and applies to all renovations of target housing performed for compensation. The purpose of this subpart is to require each person who performs a renovation of target housing for compensation to provide a lead hazard information pamphlet to the owner and occupant of such housing prior to commencing the renovation.

Sec. 745.81 Effective date.

The requirements in this subpart shall take effect on June 1, 1999.

Sec. 745.82 Applicability.

(a) Except as provided in paragraph (b) of this section, this subpart applies to all renovations of target housing performed for compensation.

(b) This subpart does not apply to renovation activities that are limited to the following:

(1) Minor repair and maintenance activities (including minor electrical work and plumbing) that disrupt 2 square feet or less of painted surface per component.

(2) Emergency renovation operations.

(3) Renovations in target housing in which a written determination has been made by an inspector (certified pursuant to either Federal regulations at Sec. 745.226 or a State or Tribal certification program authorized pursuant to Sec. 745.324) that the components affected by the renovation are free of paint or other surface coatings that contain lead equal to or in excess of 1.0 milligram per square centimeter or 0.5 percent by weight, where the renovator has obtained a copy of the determination.

Sec. 745.83 Definitions.

For purposes of this part, the definitions in Sec. 745.103 as well as the following definitions apply:

Administrator means the Administrator of the Environmental Protection Agency.

Emergency renovation operations means renovation activities, such as operations necessitated by non-routine failures of equipment, that were not planned but result from a sudden, unexpected event that, if not immediately attended to, presents a safety or public health hazard, or threatens equipment and/or property with significant damage.

Multi-family housing means a housing property consisting of more than four dwelling units.

Pamphlet means the EPA pamphlet developed under section 406(a) of TSCA for use in complying with this and other rulemakings under Title IV of TSCA and the Residential Lead-Based Paint Hazard Reduction Act, or any State or Tribal pamphlet approved by EPA pursuant to 40 CFR 745.326 that is developed for the same purpose. This includes reproductions of the pamphlet when copied in full and without revision or deletion of material from the pamphlet (except for the addition or revision of State or local sources of information).

Person means any natural or judicial person including any individual, corporation, partnership, or association; any Indian Tribe, State, or political subdivision thereof; any interstate body; and any department, agency, or instrumentality of the Federal Government.

Renovation means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined by this part (40 CFR 745.223). The term renovation includes (but is not limited to): the removal or modification of painted surfaces or painted components (e.g., modification of painted doors, surface preparation activity (such as sanding, scraping, or other such activities that may generate paint dust)); the removal of large structures (e.g., walls, ceiling, large surface replastering, major re-plumbing); and window replacement.

Renovator means any person who performs for compensation a renovation.

Sec. 745.84 Confidential business information.

(a) Those who assert a confidentiality claim for submitted information must provide EPA with two copies of their submission. The first copy must be complete and contain all information being claimed as confidential. The second copy must contain only information not claimed as confidential. EPA will place the second copy of the submission in the public file.

(b) EPA will disclose information subject to a claim of confidentiality only to the extent permitted by section 14 of TSCA and 40 CFR part 2, subpart B. If a person does not assert a claim of confidentiality for information at the time it is submitted to EPA, EPA may make the information public without further notice to that person.

Sec. 745.85 Information distribution requirements.

(a) Renovations in dwelling units. No more than 60 days before beginning renovation activities in any residential dwelling unit of target housing, the renovator shall:

(1) Provide the owner of the unit with the pamphlet, and comply with one of the following:

(i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.

(ii) Obtain a certificate of mailing at least 7 days prior to the renovation.

(2) In addition to the requirements in paragraph (a)(1) of this section, if the owner does not occupy the dwelling unit, provide an adult occupant of the unit with the pamphlet, and comply with one of the following:

(i) Obtain, from the adult occupant, a written acknowledgment that the occupant has received the pamphlet; or certify in writing that a pamphlet has been delivered to the dwelling and that the renovator has been unsuccessful in obtaining a written acknowledgment from an adult occupant. Such certification must include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g., occupant refuses to sign, no adult occupant available), the signature of the renovator, and the date of signature.

(ii) Obtain a certificate of mailing at least 7 days prior to the renovation.

(b) Renovations in common areas. No more than 60 days before beginning renovation activities in common areas of multi-family housing, the renovator shall:

(1) Provide the owner with the pamphlet, and comply with one of the following:

(i) Obtain, from the owner, a written acknowledgment that the owner has received the pamphlet.

(ii) Obtain a certificate of mailing at least 7 days prior to the renovation.

(2) Notify in writing, or ensure written notification of, each unit of the multi-family housing and make the pamphlet available upon request prior to the start of renovation. Such notification shall be accomplished by distributing written notice to each affected unit. The notice shall describe the general nature and locations of the planned renovation activities; the expected starting and ending dates; and a statement of how the occupant can obtain the pamphlet, at no charge, from the renovator.

(3) Prepare, sign, and date a statement describing the steps performed to notify all occupants of the intended renovation activities and to provide the pamphlet.

(4) If the scope, locations, or expected starting and ending dates of the planned renovation activities change after the initial notification, the renovator shall provide further written notification to the owners and occupants providing revised information on the ongoing or planned activities. This subsequent notification must be provided before the renovator initiates work beyond that which was described in the original notice.

(c) Written acknowledgment. Sample language for such acknowledgments is provided in Sec. 745.88. The written acknowledgments required in paragraphs (a)(1)(i), (a)(2)(i), and (b)(1)(i) of this section shall:

(1) Include a statement recording the owner or occupant's name and acknowledging receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

(2) Be either a separate sheet or part of any written contract or service agreement for the renovation.

(3) Be written in the same language as the text of the contract or agreement for the renovation or, in the case of non-owner occupied target housing, in the same language as the lease or rental agreement or the pamphlet.

Sec. 745.86 Recordkeeping requirements.

(a) Renovators shall retain and, if requested, make available to EPA all records necessary to demonstrate compliance with this subpart for a period of 3 years following completion of the renovation activities in target housing. This 3-year retention requirement does not supersede longer obligations required by other provisions for retaining the same documentation, including any applicable State or Tribal laws or regulations.

(b) Records that must be retained pursuant to paragraph (a) of this section shall include (where applicable):

(1) Reports certifying that a determination had been made by an inspector (certified pursuant to either Federal regulations at Sec. 745.226 or an EPA-authorized State or Tribal certification program) that lead-based paint is not present in the area affected by the renovation, as described in Sec. 745.82(b)(vi).

(2) Signed and dated acknowledgments of receipt as described in Sec. 745.85(a)(1)(i), (a)(2)(i), and (b)(1)(i).

(3) Certifications of attempted delivery as described in Sec. 745.85(a)(2)(i).

(4) Certificates of mailing as described in Sec. 745.85(a)(1)(ii), (a)(2)(ii), and (b)(1)(ii).

(5) Records of notification activities performed regarding common area renovations, as described in Sec.

745.85(b) (3) and (4).

Sec. 745.87 Enforcement and inspections.

(a) Failure or refusal to comply with any provision of this subpart is a violation of TSCA section 409 (15 U.S.C. 2689).

(b) Failure or refusal to establish and maintain records or to make available or permit access to or copying of records, as required by this subpart, is a violation of TSCA sections 15 and 409 (15 U.S.C. 2614 and 2689).

(c) Failure or refusal to permit entry or inspection as required by 40 CFR 745.87 and TSCA section 11 (15 U.S.C. 2610) is a violation of sections 15 and 409 (15 U.S.C. 2614 and 2689).

(d) Violators may be subject to civil and criminal sanctions pursuant to TSCA section 16 (15 U.S.C. 2615) for each violation.

(e) EPA may conduct inspections and issue subpoenas pursuant to the provisions of TSCA section 11 (15 U.S.C. 2610) to ensure compliance with this subpart.

Sec. 745.88 Acknowledgment and certification statements.

(a)(1) Acknowledgment statement. As required under Sec. 745.85(c)(1), acknowledgments shall include a statement of receipt of the pamphlet prior to the start of renovation, the address of the unit undergoing renovation, the signature of the owner or occupant as applicable, and the date of signature.

(2) Sample acknowledgment language. The following is a sample of language that could be used for such acknowledgments:

I have received a copy of the pamphlet, Protect Your Family From Lead In Your Home, informing me of the potential risk of lead hazard exposure from renovation activity to be performed in my dwelling unit. I received this pamphlet before the work began.

Printed Name and Signature

Date

Unit Address

(b)(1) Certification of attempted delivery. When an occupant is unavailable for signature or refuses to sign the acknowledgment of receipt of the pamphlet, the renovator is permitted (per Sec. 745.85(a)(2)(i)) to certify delivery for each instance. The certification shall include the address of the unit undergoing renovation, the date and method of delivery of the pamphlet, names of the persons delivering the pamphlet, reason for lack of acknowledgment (e.g. occupant refuses to sign, no adult occupant available), the

signature of the renovator, and the date of signature.

(2) Sample certification language. The following is a sample of language that could be used under those circumstances:

(i) Unavailable for signature.

I certify that I have made a good faith effort to deliver the pamphlet, Protect Your Family From Lead In Your Home, to the unit listed below at the dates and times indicated, and that the occupant refused to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit with the occupant.

Printed Name and Signature

Date

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XXXXXXXXXXXXXXXXXXXXXXX

Unit Address

Attempted delivery dates and times:

(ii) Refusal to sign.

I certify that I have made a good faith effort to deliver the pamphlet, Protect Your Family From Lead In Your Home, to the unit listed below, and that the occupant was unavailable to sign the acknowledgment. I further certify that I have left a copy of the pamphlet at the unit by sliding it under the door.

Printed Name and Signature

Date

Unit Address

Attempted delivery dates and times:

EPA ICR No. 1669.03; OMB Control No. 2070-0158

Attachment 3

Lead Hazard Information Pamphlet

(Note: An electronic copy of this attachment is available on the EPA Internet Website at: <http://www.epa.gov/lead/leadprot.htm>. Please contact the Environmental Protection Agency at the address noted in the Federal Register notice for a complete copy of this ICR.)

EPA ICR No. 1669.03; OMB Control No. 2070-0158

Attachment 4

**Display Related to OMB Control #2070-0091 - Listings of
Related Regulations in 40 CFR 9.1**

ATTACHMENT 4

Display Related to OMB Control #2070-0158 - Listings of Related Regulations in 40 CFR 9.1

As of May 10, 1993, the OMB approval numbers for EPA regulations in Chapter I of Title 40 of the Code of Federal Regulations (CFR) appear in a listing in 40 CFR 9.1 (58 FR 27472). This listing fulfills the display requirements in section 3507(f) of the Paperwork Reduction Act (PRA) for EPA regulations. The listing at 40 CFR 9.1 displays this OMB Control number for the following regulations:

<u>Program Title</u>	<u>40 CFR citation</u>
Lead-Based Paint Poisoning Prevention in Certain Residential Structures	Part 745, subpart E

EPA ICR No. 1669.03; OMB Control No. 2070-0158

Attachment 5

**Required Public Notice Prior to ICR Submission to OMB
(66 FR 105, January 2, 2001)**

This document can be downloaded from the Internet at
<http://www.epa.gov/fedrgstr/EPA-TOX/2001/January/Day-2/t33453.htm>